

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUANTEZ TENNYSON,)
Plaintiff,) Civil Action No. 11 - 35
v.) District Judge Joy Flowers Conti
LT. ROHRBACHER, C/O III; and MS.)
KERRI CROSS, Hearing Examiner,)
Defendants.)

MEMORANDUM ORDER

On January 10, 2011, the above captioned case was filed in this court and referred to a Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The Magistrate Judge filed a report and recommendation on November 29, 2011 (ECF No. 20) recommending that Defendants' Motion to Dismiss (ECF No. 9) be granted and that the Complaint be dismissed with prejudice without the right to amend. Plaintiff was served with the report and recommendation at his listed address and advised that he had until December 16, 2011 to file written objections to the report and recommendation. No objections were filed.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 21st day of December, 2011;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. 9) is **GRANTED**.

IT IS FURTHER ORDERED that the Complaint is **DISMISSED** with prejudice as it

would be futile to allow Plaintiff the opportunity to amend.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 20) dated November 29, 2011, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Juantez Tennyson, EF-7297
SCI Dallas
1000 Follies Road
Dallas, PA 18612